

**United States District Court****for the****Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Nov 15, 2024**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Richard Olaf Howard Case Number: 0980 1:23CR02031-SAB-1

Address of Offender: [REDACTED], Wapato, Washington 98952

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: August 28, 2024

Original Offense: Distribution of Fentanyl, 21 U.S.C. § 841(a)(1), (b)(1)

Original Sentence: Prison - 64 days Type of Supervision: Supervised Release  
TSR - 36 months

Asst. U.S. Attorney: Benjamin David Seal Date Supervision Commenced: August 28, 2024

Defense Attorney: Nick Mirr Date Supervision Expires: August 27, 2027

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**PETITIONING THE COURT**

To issue a warrant and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 10/16/2024.

On August 27, 2024, the supervised release conditions were reviewed and signed by Mr. Howard acknowledging an understanding of his conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

|   |   |
|---|---|
| 2 | <b><u>Mandatory Condition #2:</u></b> You must not unlawfully possess a controlled substance. You must refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law. |
|---|---|

**Supporting Evidence:** Mr. Howard is alleged to be in violation of his conditions of supervised release by unlawfully possessing fentanyl powder on November 13, 2024.

On November 13, 2024, U.S. probation officers searched Mr. Howard's residence in Wapato, Washington. This officer contacted Mr. Howard at his front door and asked him to step outside. After Mr. Howard exited the house, this officer explained that they would be searching his residence, including both sheds on the property. This officer inquired if Mr. Howard had any weapons or drugs on him, to which he responded that he had brass knuckles in his back pocket. These brass knuckles were confiscated and placed into evidence.

Before local law enforcement cleared the residence for the search, for officer safety Mr. Howard was asked several times if anyone else was inside. Mr. Howard stated that only one

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person and a dog were in the bedroom at the end of the hall. However, when law enforcement entered the residence, they discovered four additional individuals inside the home.

Prior to the search, Mr. Howard was also asked if there were any drugs or weapons in the house. He indicated there was a machete and four fentanyl pills next to his bed in his room. During the search, probation officers found a dime-sized white substance powdery chunk weighing 0.1 gram, four pink fentanyl pills labeled "M30," and a machete in Mr. Howard's bedroom. Small amounts of marijuana were located in both spare rooms, and a switchblade was found in the laundry room.

The dime-sized white powder substance tested positive for fentanyl.

- 3      **Mandatory Condition #2:** You must not unlawfully possess a controlled substance. You must refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law.

**Supporting Evidence:** Mr. Howard is alleged to be in violation of his conditions of supervised release by unlawfully possessing fentanyl pills on November 13, 2024.

Please refer to narrative found in violation #2.

- 4      **Mandatory Condition #2:** You must not unlawfully possess a controlled substance. You must refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law.

**Supporting Evidence:** Mr. Howard is alleged to be in violation of his conditions of supervised release by unlawfully possessing marijuana on November 13, 2024.

Please refer to narrative found in violation #2.

- 5      **Standard Condition #10:** You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

**Supporting Evidence:** Mr. Howard is alleged to be in violation of his conditions of supervised release by possessing a dangerous weapon, brass knuckles, on November 13, 2024.

Please refer to narrative found in violation #2.

- 6      **Standard Condition #10:** You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

**Supporting Evidence:** Mr. Howard is alleged to be in violation of his conditions of supervised release by owning, possessing, or having access to a dangerous weapon, a switchblade, on November 13, 2024.

Please refer to narrative found in violation #2.

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7        **Standard Condition #10:** You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

**Supporting Evidence:** Mr. Howard is alleged to be in violation of his conditions of supervised release by owning, possessing, or having access to a dangerous weapon, a machete, on November 13, 2024.

Please refer to narrative found in violation #2.

8        **Standard Condition #4:** You must be truthful when responding to the questions asked by your probation officer.

**Supporting Evidence:** Mr. Howard is alleged to be in violation of his conditions of supervised release by not being truthful with his assigned probation officer on November 13, 2024.

Please refer to narrative found in violation #2.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11/15/2024

s/Kyle Mowatt

Kyle Mowatt  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

11/15/2024

Date